

**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

IN THE MATTER OF the Mortgage Broker licensing
application of

NO. C-04-139-05-FO01

RYSTADT & ESCOBAR, INC. and
CURTIS RYSTADT, Owner
Respondents.

FINAL ORDER

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.464. On June 14, 2004, the Director through her designee Consumer Services Division Director and Enforcement Chief Chuck Cross entered a Statement of Charges and Notice of Intent to Deny Mortgage Broker License (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated June 14, 2004, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Rystadt & Escobar Inc. and Curtis Rystadt, the owner of Rystadt & Escobar. The Department of Financial Institutions of the State of Washington (Department) served the Statement of Charges, cover letter dated June 14, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Rystadt & Escobar Inc. and Curtis Rystadt on Respondents by certified mail on June 16, 2004. Respondent filed his Application for Adjudicative Hearing on July 7, 2004.

On July 12, 2004, the Department made a request to the Office of Administrative Hearings ("OAH") to assign an Administrative Law judge to schedule and conduct a hearing on the Statement of Charges. On July 29, 2004, the Office of Administrative Hearings issued an Order for Telephonic

1 Prehearing Conference for a prehearing conference to be held on September 7, 2004. All parties attended
2 the pre-hearing conference during which it was agreed that the hearing would be held on November 22,
3 2004.

4 The hearing was held on November 22, 2004, with all parties in attendance. On January 21, 2005,
5 Administrative Law Judge Neil Gorrel affirmed the decision of the Department of Financial Institution's
6 Division of Consumer Services to deny the Respondent's application for a mortgage broker license. On
7 January 21, 2005, OAH sent its Initial Decision to the address in Respondent's Application for
8 Adjudicative Hearing.

9 Under RCW 34.05.464 and WAC 10-08-211, Respondent had twenty (20) days from the date the
10 initial order was served to file a Petition for Review of the Initial Decision and Order. Respondent did not
11 file a Petition for Review during the statutory time period.

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13 B. Record Presented. The record presented to the Director for her review and for entry of
14 a final decision included the following:

- 15 1. Statement of Charges, and cover letter dated June 14, 2004;
- 16 2. Notice of Opportunity to Defend and Opportunity for Hearing;
- 17 3. Applications for Adjudicative Hearing from Curtis Rystadt, Owner of Rystadt and Escobar;
- 18 4. Request to OAH for Assignment of Administrative Law Judge;
- 19 5. Order for Telephonic Prehearing Conference with documentation of service; and
- 20 6. Initial Decision with documentation of service;

21 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.461, the Director
22 hereby adopts the Statement of Charges, which is attached hereto.
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25 II. FINAL ORDER

1 Based upon the foregoing, and the Director having considered the record and being
2 otherwise fully advised, NOW, THEREFORE:

3 A. IT IS HEREBY ORDERED, That:

- 4 1. Respondent Rystadt & Escobar's license application to conduct the business of a
5 Mortgage Broker is denied.

6 B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a
7 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be
8 filed in the Office of the Director of the Department of Financial Institutions by courier at 150 Israel Road
9 SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200,
10 within ten (10) days of service of the Final Order upon Respondents. The Petition for Reconsideration shall
11 not stay the effectiveness of this order nor is a Petition for Reconsideration a prerequisite for seeking judicial
12 review in this matter.

13 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the
14 petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice
15 specifying the date by which it will act on a petition.

16 C. Stay of Order. The Director has determined not to consider a Petition to Stay the
17 effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial
18 Review made under chapter 34.05 RCW and RCW 34.05.550.

19 D. Judicial Review. Respondents have the right to petition the superior court for judicial
20 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a
21 Petition for Judicial Review, see RCW 34.050.510 and sections following.

22 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
23 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.
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DATED this 17th day of March, 2005.

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS

/S/
Gloria Papiez
Acting Director